United Nations CEDAW/C/61/3

# Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
29 April 2015

English only

**Committee on the Elimination of Discrimination against Women**
**Sixty-first session**
6-24 July 2015
Item 6 of the provisional agenda*
**Implementation of articles 21 and 22 of the Convention**

## Reports by specialized agencies on the implementation of the Convention in areas falling within the scope of their activities

### Report by the International Labour Office

*Summary*

In accordance with article 22 of the Convention on the Elimination of All Forms of Discrimination against Women, the specialized agencies of the United Nations have been invited to submit to the Committee on the Elimination of Discrimination against Women, at its sixty-first session, reports on the implementation of the Convention in areas falling within the scope of their activities.

* CEDAW/C/61/1.

15-06413 (E) 080615

Please recycle

# Contents


| | | Page |
|---|---|---|
| I. | Introduction | 3 |
| II. | Indications concerning the situation of individual countries | 4 |
| | Bolivia (Plurinational State of) | 4 |
| | Croatia | 8 |
| | Gambia | 12 |
| | Namibia | 14 |
| | Saint Vincent and the Grenadines | 16 |
| | Senegal | 18 |
| | Spain | 20 |
| | Viet Nam | 25 |

# I. Introduction

1. The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination against Women are dealt with in a number of conventions of the International Labour Organization (ILO). Of the 189 conventions adopted to date, the information herein relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 171 member States
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 172 member States
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 44 member States

2. Where applicable, reference is made to a number of other conventions that are relevant to the employment of women:

*Forced labour*

- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)

*Child labour*

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

*Freedom of association*

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

*Employment policy*

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No. 142)

*Maternity protection*

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)
- Maternity Protection Convention, 2000 (No. 183)

*Night work*

- Night Work (Women) Convention (Revised), 1948 (No. 89) and its Protocol of 1990
- Night Work Convention, 1990 (No. 171)

*Underground work*

- Underground Work Convention, 1935 (No. 45)

*Migrant workers*

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

*Indigenous peoples*

- Indigenous and Tribal Peoples Convention, 1989 (No. 169)

*Part-time work*

- Part-Time Work Convention, 1994 (No. 175)

*Home work*

- Home Work Convention, 1996 (No. 177)

*Domestic workers*

- Domestic Workers Convention, 2011 (No. 189)

3. The application of ratified conventions is supervised by the ILO Committee of Experts on the Application of Conventions and Recommendations, a body of independent experts from around the world, which meets annually. The information submitted in section II of the present report consists of summaries of observations and direct requests made by the Committee. Observations are comments published in the annual report of the Committee, produced in English, French and Spanish, which are submitted to the Committee on the Application of Standards of the International Labour Conference. Direct requests, produced in English and French, and in the case of Spanish-speaking countries, also in Spanish, are not published in book form, but are made public. At a later date, they are published on the ILO database of supervisory activities, NORMLEX.

4. The information below sets out brief references to the much more detailed comments made by the ILO supervisory bodies. The relevant comments of the Committee of Experts referred to in section II can be found at http:///www.ilo.org/dyn/normlex/en/.

5. It will be noted that, in its own comments, the Committee of Experts often includes references to the information submitted by governments to the Committee on the Elimination of Discrimination against Women, or to the other treaty bodies, as well as to reports issued by those bodies.

## II. Indications concerning the situation of individual countries

### Bolivia (Plurinational State of)

6. Among the relevant ILO conventions, the Plurinational State of Bolivia has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 45, 87, 89, 98, 103, 105, 122, 138, 169, 182 and 189.

**Comments made by the supervisory bodies of the International Labour Organization**

7. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

*Convention No. 89*

8. In its direct request of 2013, the Committee noted that for several years it had been drawing the attention of the Government to sections 46 and 60 of the General Labour Act, which were not fully aligned with the requirements of the Convention, in particular the duration of the night period and the exemption possibilities with respect to the prohibition of night work for women.

*Convention No. 100*

9. In its observation of 2012, the Committee recalled the indication by the Government that the preliminary draft amendment to the General Labour Act provided that "the State, through the Ministry of Labour, shall promote the inclusion of women at work and shall guarantee the same remuneration as for men for work of equal value". In that respect, the Committee noted that, according to the Government, work on the draft had come to a standstill because the Bolivian Central of Workers, which was involved in its drafting, had requested that the health and municipal sectors should participate in the work on the General Labour Act. The Committee also noted that, according to a communication sent by the Government from the Vice-Ministry of Justice and Fundamental Rights, chapter 6 of the national plan of action for human rights 2009–2013 referred to the formulation and implementation of a cultural campaign for "equal work, equal wages, equal opportunities and equal rights" and that the body responsible for implementing that chapter was the Ministry of Labour. Recalling that article 48 of the Constitution referred to the principle of equal remuneration for work of equal value, the Committee hoped that the new General Labour Act would be adopted in the near future and that it would give full effect to the principle of the Convention. The Committee asked the Government to send specific information on the measures adopted by the Ministry of Labour, in the context of the implementation of chapter 6 of the national plan of action for human rights.

10. In its direct request of 2012, the Committee noted the statistical information provided by the Government indicating that, in 2009, 13.5 per cent of men and 24.5 per cent of women were underemployed (18.2 per cent of those women received a wage that was lower than the cost of the basic food basket). Furthermore, 51.9 per cent of men and 60.6 per cent of women were working in the informal sector. The Government referred to Supreme Decree No. 1213 of 1 May 2012, which established the basic wage and made no distinction between men and women. The Committee asked the Government to provide information on the impact of the measures adopted within the framework of the national development plan and the five-year plan for women 2008–2012 to combat precarious employment and underemployment and to reduce the existing wage gap. It also asked for information on the measures adopted within the framework of the national equal opportunities plan, "Women building a new Bolivia to live well".

*Convention No. 103*

11. In its observation of 2013, the Committee noted the detailed information provided concerning the maternal and child universal insurance scheme (Act No. 2426 of 21 November 2002) and the "Juana Azurduy" mother child voucher scheme (Supreme Decree No. 0066 of 3 April 2009), the beneficiaries of which were pregnant women and women who had recently given birth and children up to 2 years of age. The Committee also noted the indication by the Government that it planned to prepare bills which would take into account the requests of the Committee, particularly with regard to women agricultural workers, the harmonization of the duration of maternity leave in labour and social security legislation, maternity leave in the event of birth after the presumed date and pauses for nursing.

12. The Committee requested the Government to: (a) supplement Act No. 2450 of 2003 to ensure a better application of the Convention to women domestic workers in relation to the compulsory nature of postnatal leave, the extension of prenatal leave in the event of birth after the presumed date, pauses for nursing to be counted as working hours and remunerated accordingly; (b) indicate whether Decree No. 0012 of 19 February 2009 and Supreme Decree No. 0496 of 1 May 2010, regulating the employment security conditions of the mother and father of a newborn child working in both the public and private sectors during pregnancy and until the child reached 1 year of age, applied to domestic workers; and (c) indicate in the next report the measures adopted or envisaged to ensure that section 20 of Act No. 2450, which provided for cases in which no payment of social benefits was made, could not be applied to maternity benefits owing to women workers being absent from work.

*Convention No. 111*

13. In its observation of 2012, the Committee noted the adoption of the national Constitution, of February 2009, which stipulated that the basic aims and functions of the State were to establish a fair and harmonious society, without discrimination, with full social justice, with a view to consolidating plurinational identities, while ensuring equal conditions for men and women. The Committee also noted that, on 8 October 2010, Act No. 45 against racism and any form of discrimination had been adopted, which defined discrimination as all forms of discrimination, exclusion, restriction or preference based on a series of grounds, including sex, pregnancy and any other criteria that could nullify or impair the equal recognition of human rights and fundamental freedoms enshrined in the national Constitution and international law (sect. 5(a)). Section 5 (a) also stipulates that affirmative action measures shall not be considered discrimination. Section 5 (e) defines gender equality as being the recognition and valuing of the physical and biological differences of men and women, with a view to achieving social justice and equal opportunities, which guarantees that persons benefit fully from their rights, irrespective of their gender in all areas of social, economic, political, cultural and family life.

14. In its direct request of 2012, the Committee noted that article 48 of the national Constitution provided that the State should promote the integration of women into the labour force and guarantee the same pay as that received by men for work of equal value, both in the public and private sectors, and that women "shall not be discriminated against or dismissed on account of their marital status, pregnancy, age, physical features or number of sons or daughters". The Committee

noted that it also guaranteed security of employment for women when they were pregnant, and for parents, until the child had reached 1 year of age. The Committee noted that Supreme Decree No. 496 of 1 May 2012 granted two days of paternity leave in the public sector and three days in the private sector. The Committee noted the adoption of Act No. 243 of 28 May 2012 against political harassment and violence against women, which stipulated in section 6 (i) that mechanisms should be adopted to reduce gaps in gender inequality and to reverse situations of inequality, exclusion and political harassment and violence against women in various areas of political participation. The Committee also noted the reference by the Government to the national equal opportunities plan, "Women building a new Bolivia to live well", which was based around six central themes, one of which centred on economic, productive and labour development to promote the exercise of women's labour rights, with a view to achieving equality at work, equal pay and the elimination of sexist stereotypes, as well as the sharing of caregiving and domestic tasks between men and women. The Committee noted that, according to available public information, national consultations on gender equality had been initiated by various women's organizations in March 2011, which were attended by the Vice-Ministry for Equal Opportunities. The Committee asked the Government to provide information on the national consultations on gender equality held in 2011, the outcome of those consultations and any follow-up thereto.

15. The Committee noted that article 15 of the national Constitution provided that all persons, particularly women, were entitled to be free from physical, sexual or psychological violence, both within the family and in society, and that the State should adopt the necessary measures to prevent, eliminate and punish gender-based and generational violence, as well as any act of commission or omission intended to degrade the human condition or cause death, pain or physical, sexual or psychological suffering, either in public or in private. The Committee requested the Government to inform it of any measures adopted to prevent and address sexual harassment in the workplace.

16. The Committee noted that section 83 of Supreme Decree No. 29894 of 7 February 2009 provided for the establishment of the Vice-Ministry for Equal Opportunities under the Ministry of Justice, the functions of which would include the following: formulate, direct and coordinate policies, standards, plans, programmes and projects promoting equal opportunities between men and women and boys and girls; promote compliance with national and international standards in the areas of gender and generational equality; and mainstream gender.

*Convention No. 156*

17. The Government also referred to the Pensions Act No. 065 of 10 December 2010, pointing out that under section 7 of the Act women could take early retirement, amounting to one year for each child up to a maximum of three. The Committee requested the Government to explain the rationale for section 7 and the reasons for it only applying to women.

*Convention No. 182*

18. The Committee noted the concern expressed by the Committee on the Elimination of Discrimination against Women at the absence of appropriate measures to combat the sale and trafficking of women and children at the national

and regional levels. The Committee noted in that respect that a national plan was being formulated for the comprehensive protection of children, which would take into account the sale and trafficking of children for economic and sexual exploitation. The Committee requested the Government to provide a copy of the national plan.

*Other conventions*

19. The most recent reports of the Government on Conventions Nos. 29, 105, 122, 138 and 182 have been received and were examined by the Committee of Experts at its session in November–December 2014.

20. The Government has been requested to submit its reports on Conventions Nos. 45, 100, 111, and 189 (first report), which are due for review by the Committee of Experts at its session in November–December 2015.

**Croatia**

21. Among the relevant ILO conventions, Croatia has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 3, 29, 87, 98, 103, 105, 122, 138 and 182.

**Comments made by the supervisory bodies of the International Labour Organization**

22. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

*Convention No. 100*

23. In its direct request of 2012, the Committee noted the adoption of the Civil Service Act (Official Gazette No. 49/11) of 2011, which explicitly provided for the right to equal remuneration for equally valued work (sect. 10(2)) and referred to the right to equal treatment (sect. 11). The Committee recalled that section 13 (1)(4) of the Gender Equality Act of 2008 explicitly referred to the principle of equal remuneration for work of equal value and applies to the public and private sectors. The Committee noted that, according to the report of the Ombudsman for gender equality published in 2010, only 7 of 120 collective agreements analysed referred to the obligation to ensure equal pay for women and men. The Committee also noted that, according to the Ombudsman activity report of 2009, 17 cases out of 172 complaints investigated by the Ombudsman's office in 2009 related to gender. The Committee asked the Government to provide information on the practical application of sections 10 (2) and 11 of the Civil Service Act of 2011.

24. The Committee noted the adoption of the national policy for gender equality 2011-2015, according to which reducing unemployment and the elimination of all forms of discrimination against women in the labour market remained the main strategic goal and key activities would be conducted, including with a view to reducing the gender pay gap. The Committee also noted that, according to statistical data contained in the report of the Bureau of Statistics "Women and men in Croatia", the difference between women's and men's salaries in 2010 was still more than 20 per cent in several economic sectors, such as manufacturing, wholesale and retail trade, financial and insurance activities, and health and social work activities.

The Government also indicated that men earned 22.6 per cent more than women on average in 2009. The Committee asked the Government to provide information on the specific steps taken to address effectively the gender pay gap, including within the framework of the national policy and, on the basis of the findings of the studies conducted, to provide information in that regard, including any results achieved.

25. The Committee noted the indication by the Government that the regulations on civil service job position titles and complexity coefficients regulations (Official Gazette Nos. 32/09, 140/09, 21/10, 38/10 and 77/10) had defined job complexity coefficients for civil servants and employees; however, no further information had been provided concerning civil servants' salaries and the drawing up of job descriptions free from gender bias. The Committee asked the Government to provide more detailed information on how the regulations on civil service job position titles and complexity coefficients ensured that the design and implementation of the pay system in the civil service promoted the principle of the Convention and addressed the gender pay gap in the civil service.

*Convention No. 111*

26. In its observation of 2012, the Committee recalled section 11 of the Gender Equality Act concerning the adoption of action plans for promoting and ensuring gender equality. The Committee noted the indication by the Government that guidelines for the application of section 11 had been sent to all the parties concerned, and that by mid-2010, all ministries, central State offices and many legal entities predominantly owned by the Government had produced their respective action plan proposals.

27. With regard to women's entrepreneurship, the Committee noted that strengthening women's entrepreneurship had been set as one of the key activities and measures in the newly adopted national policy for gender equality 2011-2015. The Committee also noted the indication by the Government that the Ministry of Economy, Labour and Entrepreneurship had been conducting a project entitled "Women entrepreneurship", and that 1,001 grants had been approved, amounting to 10,540,000 Croatian kuna (some $1,734,928) in 2010. The Committee also noted the indication by the Government that the measures defined in the national policy for gender equality aimed to promote the employment of women in the information and communications technology sector, which, according to the Government, would contribute to the elimination of occupational segregation in that area. The Committee further noted the indication by the Government that the national employment promotion plan 2011–2012 had as key priorities: increasing the level of employability and the rate of labour market participation of women with low or inadequate education and women belonging to national minority groups. In relation to education, the Committee noted the indication by the Government that the number of girls enrolling in the industrial and artisan school programmes had increased by comparison with 2007 and had reached 36.3 per cent. The number of female students in 2009 who had enrolled in public colleges and who had completed their university education had also increased to 56.3 per cent and 58.6 per cent, respectively.

28. In relation to the public sector, the Committee noted the indication by the Government that a total of 22,980 women and 29,862 men were employed by the Government in 2009 and that the share of women had risen to 43.49 per cent in

2009; the rate of women in managerial positions in the State administration had increased to 3.2 per cent in 2009. The Committee asked the Government to continue to provide information on the practical application of section 11 of the Gender Equality Act and on the measures taken to promote women's access to a wider range of jobs, including posts of responsibility and management positions, both in the private and public sectors, and to provide them with a wider choice of educational and vocational opportunities, and their impact.

29. With regard to the equality of opportunity and treatment in employment and occupation of Roma, the Committee asked the Government to strengthen its efforts to promote employment opportunities and to ensure equal treatment of Roma in employment and occupation, including by adopting specific measures concerning the employment of Roma women.

30. In its direct request of 2012, the Committee noted the indication by the Government that, while the Gender Equality Office and the civil service training centre of the Ministry of Public Administration had conducted various awareness-raising activities concerning the Gender Equality Act of 2008, case law concerning sex discrimination in employment and occupation had not been developed.

31. The Committee recalled that both the Anti-Discrimination Act and the Gender Equality Act contained provisions prohibiting sexual harassment. It noted the indication by the Government that, in 2009, 13 complaints filed by workers had concerned section 30 of the Labour Act of 1995, which provided for the protection of workers from harassment or sexual harassment, and that, in 2010, 11 complaints had been received of breaches of section 130 of the Labour Act of 2009, which had a similar provision. The Committee asked the Government to indicate any measures taken to address sexual harassment at work in practice, including the possible issuance of a code of conduct, and any awareness-raising activities, and to provide information regarding any cooperation with workers' and employers' organizations in that regard.

*Convention No. 122*

32. In its direct request of 2012, the Committee noted the indication by the Government that the national employment promotion plan 2009-2010 covered 13,088 registered unemployed persons, 49.4 per cent of whom were women. The Committee requested the Government to provide information in its next report on the impact of the employment promotion measures targeting vulnerable categories of workers, including women.

*Convention No. 156*

33. In its observation of 2012, the Committee noted with interest the adoption of the Anti-discrimination Act, 2008, (Official Gazette No. 85/08) and the Maternity and Parental Benefits Act, 2008, as last amended in 2011 (Official Gazette Nos. 85/08, 10/08 and 34/11), as well as the establishment of the Maternity and Parental Benefits Act Implementation Monitoring Commission. The Committee noted that section 1 (1) of the Anti-discrimination Act provided for protection against discrimination on various grounds, including gender and marital or family status. The Office of the Ombudsperson had been a central equality body since 2009 and according to its report there had been three cases concerning marital or family status among a total of 172 cases of alleged discrimination filed with the Office. The

Committee asked the Government to provide information on the practical application of the Maternity and Parental Benefits Act, 2008, and the results achieved under the national policy for the promotion of gender equality (2006–2010), in order to promote equality of treatment and opportunity of workers with family responsibilities. The Committee also asked the Government to provide information on the functions of the Maternity and Parental Benefits Act Implementation Monitoring Commission.

34. In its direct request of 2012, the Committee noted that, under the Maternity and Parental Benefits Act of 2008, an employed or self-employed mother had the right to maternity leave of 28 days before birth, and until the child reached 6 months of age, of which 28 days before birth and 42 days after birth were mandatory (sects. 12 (1) and (2)); the father could exercise his right to leave until the child reached 6 months of age upon the expiry of the mandatory maternity leave, if the parents reached an agreement to do so (sect. 12 (5)). The employed parents of a child were entitled to parental leave until the child turned 8 years of age of three months for each parent for the first and second child; 30 months for each parent for twins, the third and any subsequent child; and an extra two months could be taken if the father took parental leave of at least three months (sects. 12 and 13 (2)). In addition, one of the employed parents of a child had the right to leave without pay until the child turned 3 years of age (sect. 22); one of the employed or self-employed parents of a child with severe developmental disabilities had the right to childcare leave until the child turned 8 years of age (sect. 23(1)); or the right to work half-time, even after the child turned 8 years of age, if there were such a need, on the basis of the findings and opinion of a body with competent expertise (sect. 23(3)). The Committee also noted that one of the employed or self-employed parents could exercise the right to part-time work until the child turned 3 years of age, if the child required extra care and attention for growth (sect. 16). With regard to the practical application of the Act, the Committee noted the indication by the Government that, in 2009, of 63,500 potential beneficiaries of the right to maternity and parental benefits, 1,066 fathers exercised such rights; in 2010, of 71,197 potential beneficiaries a total of 1,327 fathers exercised those rights.

35. The Committee noted the indication by the Government that the new Social Welfare Act of 2011 (Official Gazette No. 57/11) assigned two new public authorities for family centres and expanded their activities. The Committee asked the Government to provide detailed information on the manner in which the family centres assisted parents to reconcile work and family responsibilities. The Committee noted the indication by the Government that a radio project entitled "Both mum and dad can do it" aimed to promote the role of fathers and parental leave and enable women to harmonize family and work responsibilities more easily.

36. The Committee noted that, according to the Labour Code, an employee who exercised maternity leave, parental leave, adoption leave or leave for caring and nursing a child with severe developmental difficulties had the right to return to the same job that he or she had had before (sect. 73 (1)); the employee who exercised such rights was entitled to additional vocational training in case there had been a change in technology or working methods (sect. 73 (3)). The Committee asked the Government to provide information on the practical application of section 73 (3) of the Labour Code, including on the extent to which such training was conducted, and information on the beneficiaries of such training.

*Other conventions*

37. The most recent reports of the Government on Conventions Nos. 29, 87, 98, 122, 138 and 182 have been received and were examined by the Committee of Experts at its November–December 2014 session.

38. The Government has been requested to submit its reports on Conventions Nos. 45, 100 and 111, which are due for review by the Committee of Experts at its session in November–December 2015.

**Gambia**

39. Among the relevant ILO conventions, the Gambia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 138 and 182.

**Comments made by the supervisory bodies of the International Labour Organization**

40. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

*Convention No. 29*

41. In its direct request of 2012 (repeated in 2013), the Committee noted the indication by the Government that the Committee on Trafficking in Persons had been established as responsible for making policy and practical recommendations to the Government. The Government also stated that an anti-human trafficking agency was being set up and would be responsible for investigating, in consultation with the police, matters of trafficking in persons and providing evidence for the prosecution of perpetrators. The agency would also be responsible for sensitizing the public to the risks of trafficking in persons and the preventive measures to adopt.

*Convention No. 100*

42. In its direct request of 2011 (repeated in 2013), the Committee recalled that, when adopting the Labour Act of 2007, the Government had not seized the opportunity to include in its labour legislation provisions expressly providing for equal remuneration for men and women for work of equal value. It noted the indication by the Government that section 33 (2) of the Constitution prohibited discrimination against men and women. The Committee however considered that section 33 (2) of the Constitution prohibiting discriminatory laws, while important, did not encompass the principle of equal remuneration for men and women for work of equal value. The Committee also noted that the Attorney-General's Chambers had not made any recommendations, despite previous indications by the Government that the issue would be referred to them for redress. The Committee asked the Government to take steps include provisions in the legislation to give full expression to the principle of the Convention. It urged the Government to have the matter of giving full expression to the principle of the Convention referred to the Attorney-General's Chambers and to provide information on any recommendations made and the follow-up thereto.

43. The Committee noted the indication by the Government that it had no information on cases of equal remuneration and that generally there was no reporting of decisions of the industrial tribunal. The Committee asked the

Government to take steps to collect and disseminate the decisions of the courts and the industrial tribunal regarding equal remuneration and wage discrimination.

*Convention No. 111*

44. In its direct request of 2011 (repeated in 2013), the Committee noted the indication by the Government that the Labour Act implicitly prohibited any form of sexual harassment and that, in cases where an employee had resigned due to sexual harassment, the employee might have a claim for constructive dismissal. The Government also indicated that employers who did not take action to prevent or stop sexual harassment could be held liable when management or employees were responsible and that redress from the employer for acts of commission or omission was generally in the form of compensation for the employee. The Committee noted that, pursuant to the system in place, the employee who had been sexually harassed was required to resign before redress could be obtained, which was limited to compensation. The Committee considered that providing the possibility of resigning and receiving compensation as the sole remedy for victims of sexual harassment was not sufficient protection for the victim and in fact penalized them, and could dissuade victims from bringing cases. The Committee asked the Government to take steps to include legislative protection against sexual harassment, explicitly defining and prohibiting both quid pro quo and hostile environment sexual harassment and providing for appropriate remedies, including reinstatement.

45. The Committee recalled that the Labour Act excluded civil servants and domestic workers. Following the previous statement by the Government that the Act would be amended to cover domestic workers, the Committee noted the indication by the Government that consultations were being held in order to amend certain sections of the Act and asked the Government to provide information on any steps taken to include domestic workers and any other groups excluded from protection under the Act.

46. The Committee noted that the national employment policy and the national employment action plan had been reviewed and extended for the period 2010-2014 and provided an integrated employment strategy that targeted youth and women by focusing on skills development, entrepreneurship, equal access to finance, employability, equal opportunities and employment creation. With respect to the Gambian priority employment programme, the Committee noted that, under the third component of the project, the establishment of the Gambian enterprise and skills development and training fund, special employment initiatives targeting women and youth had been undertaken to address skills gaps and employability had been promoted through the improvement of knowledge and skills training in vocational and technical institutions. The Government indicated that 1,400 persons had benefited from the training courses offered and that a study was being conducted to collect data on the number of trainees securing employment or self-employment following the programme. The Committee asked the Government to provide statistical data, disaggregated by sex, on the number of persons benefiting from the training programmes and securing employment after completing the programme.

47. The Committee noted that the Government had referred to the enactment of the Women's Act of 2010 (Act No. 12/2010). The Government stated that the Act guaranteed equal rights for men and women and called for gender balance in the

public sector. The Committee recalled its previous comments, noting that, although women constituted 51 per cent of the population, they accounted for less than 32 per cent of formal private sector employees and 20 per cent of managerial positions. The Committee noted from the national gender policy 2010–2020 that women represented about 25 per cent of the total number of civil servants. The Committee asked the Government to provide a copy of the Women's Act of 2010, to provide information on measures taken to apply the principle of the Convention under the new legislation and to indicate whether any awareness-raising activities had been organized in that regard. The Committee also reiterated its request for detailed information on the measures adopted to implement the national gender policy, in order to improve the access of women and men to education and vocational training, promote equal employment opportunities and improve the access of women to a wider range of jobs and occupations, including access to land and credit.

*Convention No. 138*

48. In its direct request of 2011 (repeated in 2012 and 2013), the Committee noted that the Government poverty reduction strategy paper had identified child labour as a problem and called for it to be addressed by increasing school enrolment, expanding girls' education and improving vocational training.

*Convention No. 182*

49. In its direct request of 2011 (repeated in 2012 and 2013), the Committee noted that in order to decrease school drop-out rates, scholarship programmes for boys and free education for girls had been introduced. The Committee also noted the statistical information on the school enrolment and drop-out rates, which showed that, in 2009/2010, a total of 184,339 children (89,070 boys and 95,269 girls) were enrolled in grades 1 to 6 and the drop-out rate was 48 per cent. The enrolment rates for grades 7 to 9, during the year 2009/2010 was 68,657 children (33,082 boys and 35,575 girls) with a drop-out rate of 30 per cent.

*Other conventions*

50. The Government has been requested to submit its reports on Conventions Nos. 29, 87, 100, 105, 111, 138 and 182 for review by the Committee of Experts at its session in November–December 2015.

**Namibia**

51. Among the relevant ILO conventions, Namibia has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 138 and 182.

**Comments made by the supervisory bodies of the International Labour Organization**

52. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

*Convention No. 100*

53. In its direct request of 2013, the Committee noted that section 5 (3) of the Labour Act, 2007, prohibited sex-based discrimination in any employment decision, including remuneration, for employees who performed work of equal value. Article 95 (a) of the Constitution also provides that "the Government shall ensure the implementation of the principle of non-discrimination in remuneration of men and women". The Committee noted, however, that the definition of work of equal value under section 5 (1)(g) of the Labour Act, 2007, appeared to be narrower than that required under the Convention, given that subsection (i) limited the application of work of equal value to comparing work that was "of the same or compared with any other work is broadly similar in nature". While subsection (ii) further provided that the work must involve "skills, abilities, responsibilities, working environment or other requirements which are of equal value to employees belonging to any sex", the Committee noted that the two subsections appeared to be cumulative. The Committee asked the Government to clarify whether that provision allowed for the comparison of jobs that were not the same or broadly similar, but of an entirely different nature, to determine whether they were of equal value.

54. The Committee noted that section 113 of the Labour Act, by reference to article 95 of the Constitution, required the Wages Commission to take into account the principle of non-discrimination in remuneration of men and women. The Committee noted the indication by the Government that the Commission had conducted studies on the possibility of establishing a minimum wage for domestic workers.

55. The Committee asked the Government to provide additional information on how the principle of the Convention was addressed through collective bargaining and on any awareness-raising activities carried out to promote a better understanding and improved application of the principle of equal remuneration for men and women for work of equal value by employers, workers and their organizations.

*Convention No. 111*

56. In its observation of 2013, the Committee noted that women comprised 42 per cent of executive directors of companies, while accounting for 46 per cent of all employees. With regard to access to vocational training, the Government indicated that section 17 (2)(c)(iii) of the Affirmative Action (Employment) Act provided that persons from designated groups might receive preferential treatment in employment decisions, which pursuant to section 1 of the Act included access to vocational guidance, training and placement services. The Committee noted that, at the time of reporting, 47,518 employees had been trained, of whom 10 per cent were executive directors and managers and 44 per cent were women. The Committee requested the Government to continue providing information on the application of the Act, including specific information on cases of non-compliance with the Act by employers.

57. In its direct request of 2013, the Committee noted the indication by the Government that the Labour Advisory Council had developed a code of good practice on sexual harassment, which had been submitted to the Minister of Labour and Social Welfare. The Government also indicated that the Office of the Labour Commissioner had published brochures including definitions of sexual harassment

and the remedies available to victims, which were distributed at trade fairs and available at every labour office in the country. The Committee also noted the indication by the Government that the Ministry planned to use a team of its experts to sensitize the public to the issue of sexual harassment. The Government stated that it would continue to raise awareness of the issue of sexual harassment by carrying out community outreach programmes.

58. The Committee noted that, with regard to the Employment Services Act of 2011, which prohibited discrimination by private employment agencies in the advertisement of positions or in the recruitment or referral of persons for prospective employment, 11 private employment agencies had been registered under the Act. The Committee noted the indication by the Government that an implementation plan for the Act, which included an awareness-raising strategy, had been put into place. The Government also indicated that the National Gender Policy (2010–2020) was in place and that the draft national employment policy was to be launched at the end of October 2013. The Committee noted from section 2.1.2 of the National Gender Policy that there were 102 girls enrolled in primary school for every 100 boys and 113 girls enrolled for every 100 boys in secondary school. Section 4.2 of the policy, which aimed to continue to reduce gender inequalities in education and increase women's access to vocational training, indicated that, despite the overall improvement in the education of girls, significant regional disparities continued to exist. The Committee also noted that section 4.5 of the policy aimed to increase women's access to productive resources including land, employment and training. The Committee requested the Government to provide information on the content of the implementation plan put in place for the Act, including information on specific awareness-raising activities. The Committee also requested the Government to provide information on the implementation of sections 4.2 and 4.5 of the National Gender Policy, including the measures taken to reduce regional disparities in education and to increase women's access to vocational training and employment.

*Other conventions*

59. The most recent reports of the Government on Conventions Nos. 87 and 98 have been received and were examined by the Committee of Experts at its session in November–December 2014.

60. The Government has been requested to submit its reports on Conventions Nos. 29, 105, 138 and 182, which are due for review by the Committee of Experts at its session in November–December 2015.

**Saint Vincent and the Grenadines**

61. Among the relevant ILO conventions, Saint Vincent and the Grenadines has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138 and 182.

**Comments made by the supervisory bodies of the International Labour Organization**

62. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

*Convention No. 100*

63. In its direct request of 2010, the Committee strongly urged the Government to take steps to amend section 3(1) of the Equal Pay Act, 1994, without further delay, in order to ensure that the legislation provided for equal remuneration for men and women for work of equal value and to provide information on any progress achieved in that regard.

64. The Committee noted the indication by the Government that wages councils, in determining wages, might not have had a full grasp of the principle of "equal pay for work of equal value" and might have been guided by the fact that some occupations were more physically demanding than others. While noting the indication by the Government that the issue would be brought to the attention of the wages councils, the Committee asked the Government to take proactive measures to ensure that wages for jobs predominantly occupied by women were not fixed at a rate lower than those predominantly occupied by men when both sets of jobs were of equal value.

65. The Committee noted that, in response to its previous comments concerning objective job evaluation, the Government had indicated that measures had been taken by the National Labour Congress and the Employers Federation to sensitize their constituents to the necessity to link pay increases to a performance salary scale within any collective agreements.

66. The Committee noted the indication by the Government that serious consideration had been given to training and awareness-raising activities on the principle of the Convention among public officials, workers and employers. It also noted that a series of activities had been planned through the Gender Affairs Division, Ministry of National Mobilization, Social Development, Local Government, Gender Affairs, Family Affairs, Persons with Disabilities and Non-Governmental Organizations, and the National Council of Women. The Committee asked the Government to continue to provide information on training and awareness-raising activities undertaken or envisaged to promote the principle of the Convention among public officials, workers, employers and their organizations and other relevant target groups, and to report on the progress made. The Committee also asked the Government to provide detailed information on the activities undertaken or envisaged to promote the principle of the Convention through the Gender Affairs Division and the National Council of Women.

67. Noting the indication by the Government of the absence of cases of non-compliance with the principle of equal remuneration, the Committee asked the Government to improve the capacity of labour inspectors to promote and enforce the principle of the Convention.

*Convention No. 111*

68. In its direct request of 2010, the Committee noted that the new Constitution had been rejected and asked the Government to indicate how the principle of equality of opportunity and treatment between men and women would be addressed in national legislation. Moreover, it requested the Government to provide information on any measures taken or envisaged to implement, in practice, the principle of equality of opportunity and treatment between men and women.

*Convention No. 122*

69. In its direct request of 2012, the Committee noted the indication by the Government that active labour market measures implemented in the framework of poverty eradication strategies included supporting the attendance of mothers at education and training courses to increase their participation in the labour market. The Committee noted that, according to the Country Poverty Assessment of 2007/2008, the labour force participation rate among women was lower than among men (56.4 per cent against 74.3 per cent). The employment rate for women was 41.6 per cent compared with 65.2 per cent for men and their unemployment rate stood at 26.2 per cent against 12.2 per cent for men. The Committee invited the Government to provide information on the impact of education and training measures and other measures designed to increase the participation rate of women in the open labour market.

*Convention No. 138*

70. In its direct request of 2013, the Committee noted that, under the Employment of Women, Young Persons and Children Act of 1938 as amended, the Governor-General could make regulations in respect of the health, welfare and safety of women, young persons and children in any industrial undertaking.

*Convention No. 182*

71. In its observation of 2013, the Committee noted with satisfaction that section 7 of the Trafficking Act of 2011 provided for penalties of imprisonment for 12 years or a fine of $100,000 for offences related to transporting a person for the purposes of exploiting such a person in prostitution. It noted that subsection 2 of section 7 further stated that the above offence, if committed against a child, amounted to an aggravated offence and would be liable to an additional term of imprisonment of up to 15 years. The Committee further noted that the definition of the term "exploitation" as laid down under section 2 of the Trafficking Act of 2011 included child pornography, exploitation of the prostitution of another, engaging in any form of commercial sexual exploitation, including but not limited to pimping, pandering, procuring or profiting from prostitution, and engaging in sexual exploitation and any sexual activity.

*Other conventions*

72. The Government has been requested to submit reports on Conventions Nos. 87, 98, 100, 111 and 122 for review by the Committee of Experts at its session in November-December 2015.

**Senegal**

73. Among the relevant ILO conventions, Senegal has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 89, 98, 105, 122, 138 and 182.

**Comments made by the supervisory bodies of the International Labour Organization**

74. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

*Convention No. 29*

75. In its direct request of 2013, the Committee noted the information provided by the Government on the activities carried out by the national unit to combat trafficking in persons, in particular women and children which, by virtue of its structure, played a role in coordinating and promoting measures to combat trafficking, both from the standpoint of strengthening the legislative framework and supporting the State actors and civil society involved in that mission. The Committee also noted the information provided regarding judicial proceedings initiated on the basis of a range of charges, including section 323 of the Penal Code (pimping) and Act No. 2/2005 concerning measures to combat trafficking in persons.

*Convention No. 100*

76. In its direct request of 2011, the Committee noted that, for a number of years, it had been emphasizing that section 105 of the Labour Code, which stated that where conditions of work, vocational qualifications and output were equal, wages must be equal for all workers, regardless of sex, did not give full effect to the principle of equal remuneration for men and women for work of equal value established by the Convention. The Committee noted that section L.86 (7) of the Labour Code provided that collective agreements must contain provisions concerning procedures for the application of the principle of "equal pay for equal work" for women and young persons. The Committee asked the Government to take the steps necessary to ensure that the principle of equal remuneration for men and women for work of equal value was incorporated into the Code and that sections L.86 and L.105 of the Code were amended accordingly.

77. Noting the reference by the Government to a study conducted in 2009, with the support of ILO, concluding that it was necessary to establish an objective classification of jobs and noting the indication by the Government that the necessary steps were being taken to promote objective job evaluation, the Committee asked the Government to supply information on the specific steps taken to encourage objective job evaluation for both the public and private sectors, in collaboration with the employers' and workers' organizations. The Government was also requested to indicate the action taken to follow up on the conclusions of the study of 2009 referred to above.

78. Noting the indication by the Government that no violations of section 105 of the Labour Code had been recorded by the labour inspection services, the Committee asked the Government to supply information on the specific monitoring activities conducted in enterprises by labour inspectors with regard to pay equality, and to indicate whether information or training activities concerning equal remuneration were being conducted or planned for labour inspectors and magistrates.

79. Noting the indication by the Government that the relevant statistics were not available, the Committee asked the Government to take the steps necessary to collect data on pay levels for men and women in the public and private sectors.

*Convention No. 111*

80. In its observation of 2011, the Committee noted that, according to the brief report by the Government, the national strategy on gender equality and equity was being disseminated to State institutions and civil society. The Government indicated that, in the context of the implementation of the strategy, the Act on Gender Parity in Electoral Lists had been adopted in 2010 and the number of women in the Government had risen following the latest government reshuffle. It also emphasized that many awareness-raising and training activities on equality, including workshops and conferences, had been carried out with the active participation of workers' and employers' organizations. The Committee further noted that a plan for the implementation of the strategy for 2009–2015 had been adopted in March 2009 and that it included a number of measures to increase the economic power and autonomy of women (effect 3), with the particular objectives of women gaining access to factors of production and financial resources, women obtaining the technical and managerial skills necessary to carry out their economic activities and women having more time to devote to production activities. Among those measures, the Committee observed that it had first been envisaged that an assessment would be drawn up concerning the access of women to resources and production factors and so would an evaluation of needs for the reinforcement of the capacities of active women.

81. The Committee further noted that the drafting and implementation of a plan and a programme for the reinforcement of facilities to lighten the work of women was envisaged. The Committee requested the Government to provide information on the implementation of the measures under the national strategy on gender equality and equity in relation to access to resources and factors of production, including land and vocational training, with an indication of their impact on gender segregation in the labour market. The Committee also requested the Government to provide any available information on the impact on the development of women's training and employment for women of the plan and programme for the reinforcement of facilities to lighten the work of women.

*Other conventions*

82. The most recent reports of the Government on Conventions Nos. 100 and 111 have been received and were examined by the Committee of Experts at its November-December 2014 session.

83. The Government has been requested to submit its reports on Conventions Nos. 87, 98 and 122, which are due for review by the Committee of Experts at its session in November–December 2015.

**Spain**

84. Among the relevant ILO conventions, Spain has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 87, 97, 98, 103, 105, 122, 138, 142, 156, 169 and 182.

**Comments made by the supervisory bodies of the International Labour Organization**

85. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

*Convention No. 29*

86. In its direct request of 2013, the Government noted the adoption of the comprehensive plan to combat human trafficking for the purpose of sexual exploitation. The Committee noted that, in 2011, 2012 and 2013 (first half), the national police corps remanded in custody 750, 783 and 553 persons, respectively, for trafficking for sexual exploitation.

*Convention No. 97*

87. In its direct request of 2013, the Committee noted the adoption of Organic Act No. 2/2009 of 11 December 2009 and Organic Act No. 10/2011 of 27 July 2011 amending Organic Act No. 4/2000 concerning the rights and freedoms of foreign nationals in Spain and their social integration. The Committee noted that those reforms established provisions concerning the protection of women who were victims of gender violence and trafficking. While noting the information supplied by the Government on the steps taken to increase employment for women, the Committee requested the Government to provide information on any measures taken with a view to eliminating, in particular, any form of discrimination against migrant women.

*Convention No. 100*

88. In its direct request of 2010, the Committee noted the approval of the strategic plan for equal opportunities (2008–2011), in which provision was made to examine the causes of the wage gap and which laid down specific measures to overcome it. With a view to fulfilling that objective, two protocols had been signed between the Ministry of Equality and the Ministry of Labour and Immigration: a protocol for monitoring fraud in the award of temporary contracts and the misuse of part-time contracts in sectors where women were overrepresented, and a protocol of cooperation with the Directorate General of Labour Inspection for monitoring situations involving wage discrimination and reducing the wage gap. Under the latter, the labour inspectorate carried out controls, the results of which would be communicated to the Ministry for Equality, which would analyse the existing wage gap and the sectors in which this was most pronounced. The Ministry for Equality and the autonomous communities awarded grants to small and medium-sized enterprises for use in the formulation and implementation of equality plans. The Committee also noted the adoption of Royal Decree No. 713/2010 of 28 May 2010, which established the obligation to provide information, whenever a new collective agreement was signed, on the pay structure and measures adopted to promote equality with regard to wages. A further development was the introduction of the "corporate seal of equality" (Royal Decree No. 1615/2009), which recognized and promoted measures for achieving equality adopted by enterprises and which, in order to be awarded, took account of gender balance in decision-making posts, in access to posts of responsibility, the adoption of equality plans, disaggregation by sex of data relating to pay and the application of systems and criteria relating to

occupational classification and pay, which enable situations involving discrimination to be eliminated or prevented. A total of 602 enterprises had applied to be awarded the seal.

89. The Government stated that, in 2008, women were paid on average 84 per cent of the wage paid to men. While noting the measures taken by the Government to promote gender equality in pay, the Committee requested the Government to continue to supply information on the impact of those measures and on the methods used to measure the gender wage gap.

90. The Committee noted that in 2008 the Spanish Confederation of Employers' Organizations, the Spanish Confederation of Small and Medium-Sized Enterprises, the Trade Union Confederation of Workers' Commissions and the General Union of Workers signed an extension to the 2007 inter-confederation agreement for collective bargaining, which established as a criterion the need to remove differences in pay levels and highlighted the usefulness of systems for the evaluation of jobs. The Committee requested the Government to provide information on the application of that agreement in practice and its impact on the collective agreements that had been signed.

91. The Committee noted the information supplied by the Government on cases involving violations of the principle of equal remuneration for work of equal value and the penalties imposed on 12 enterprises (five fines and seven formal notices) by the labour inspectorate for discrimination on the basis of gender in the catering, commerce, cleaning, steel and textiles sectors.

*Convention No. 103*

92. In its direct request of 2013, the Committee noted the information supplied by the Government to the effect that there was no requirement for a minimum period of contributions in order for a person to receive maternity benefits, if the worker was under 21 years of age at the date of the birth (workers between 21 and 26 years of age must have 90 days of contributions and workers over 26 years of age must have 180 days of contributions) and that provision was made for a special, non-contributory maternity benefit, which would be available to women employees who met all the requirements for entitlement to contributory maternity benefit other than the minimum periods of contribution. The Committee also noted that, according to the Government, the duration of the non-contributory benefit was 42 calendar days from the date of the birth. The Government added that, notwithstanding the duration of the benefit, the beneficiary was nonetheless entitled to stop work for 16 weeks.

93. The Committee noted that, according to the General Union of Workers, in 2012, only 752 women received non-contributory maternity benefit for an average duration of 42.5 days. The economic needs of those beneficiaries were not covered for the whole period of maternity leave, as they received a daily amount of €17.75. The Committee observed that €17.75 a day was lower than the poverty threshold, which in 2012 stood at €7,355 a year for a single person, i.e. €20.43 a day. The Committee requested the Government to indicate whether the benefit of €17.75 a day was deemed sufficient to ensure the full and healthy maintenance of the woman and her child in accordance with a suitable standard of living and whether women who, during maternity leave or part of the leave, were for some reason without any income or benefit, might apply for means-tested social assistance.

*Convention No. 111*

94. In its observation of 2011, the Committee noted the provisions amending the legal system currently in force, under the terms of Basic Act No. 3/2007 of 22 March on effective equality between women and men, including the amendment of the workers' charter establishing the possibility of adopting affirmative action for members of the underrepresented sex and adopting measures to improve the balance between work and family responsibilities. The Committee requested the Government to continue providing information on the application and impact in practice of Basic Act No. 3/2007 on the effective equality between women and men and particularly on the equality plans adopted in the context of collective bargaining by enterprises and their impact on the implementation of the Convention.

95. The Committee noted the delay in the establishment of the Council on the Participation of Women in the Ministry of Equality and the difficulties faced by foreign women in gaining access to the labour market owing to the fact that they worked in the informal economy. The Committee noted the indication by the Government that: (a) with regard to affirmative action measures in enterprises with fewer than 250 workers (see the Equality Act), the corporate seal of equality had been established and subsidies were available for the preparation and application of equality plans; (b) Royal Decree No. 1791/2009 determined the operation, competence and composition of the Council on the Participation of Women, a joint consultative and advisory body composed of representatives of women's organizations and associations; and (c) with regard to the access of foreign women to the labour market, orders Nos. TAS/3698/2006 and TAS/711/2008 regulated the registration of non-Community foreign workers with public services and employment agencies, a guide had been prepared for public administrations on how to address the integration of immigrant women and an analysis had been published of the labour market situation of immigrant women, methods of integration, sectors with employment opportunities and enterprise initiatives.

96. The Committee requested the Government to provide information on its regular evaluation report on the impact of Basic Act No. 3/2007 of 22 March on effective equality for women and men, undertaken in accordance with the fifth final provision of the Act and on the report evaluating the impact of Basic Act No. 1/2004 in respect of comprehensive protection measures against gender violence.

*Convention No. 156*

97. In its observation of 2011, the Committee noted with interest the legislative provisions adopted and the agreements and court decisions handed down with a view to achieving substantive equality of opportunity for men and women workers. It noted in particular Basic Act No. 3/2007 on effective equality between men and women, which was the result of intensive civil, social and political dialogue. The Committee also noted that section 44 of the Act provided that the right to reconcile personal, family and working life must be granted to men and women workers so that family responsibilities were assumed in a balanced manner and all discrimination based on the exercise of this right was avoided. The Act also contained a number of provisions giving effect to the Convention, namely the establishment of paternity leave, to be extended to four weeks as from 2010, and the extension of special leave in the event of a child under the age of majority being disabled, or in case of a premature birth; the possibility of shortening the working

day; improvement in the leave of absence regime and improvements in the systems for breastfeeding infants under nine months old. The Committee also noted the information sent by the Government to the effect that, under the Act, during such leave, employees were entitled to take part in training courses organized by the Administration, to return to work in the same job and to benefit from any improvement in working conditions to which they would have had access during their absence. The Committee noted that, under the Agreement for the Public Service between the Government and the trade unions, the first plan for equality between men and women in the General Administration of the State and its public bodies was approved. The Committee also noted the legal provisions adopted in order to establish active employment policies.

98. In its direct request of 2011, the Committee noted that women workers accounted for 45.8 per cent of all contracts registered and that 47.4 per cent of them had contracts for an unspecified period of time and 45.7 per cent had temporary contracts. The Committee noted that 62.5 per cent of women worked part time. The Committee further noted the information from the Government to the effect that women were well represented in training (49.3 per cent of unemployed women and 43.9 per cent of women in employment). The Committee requested the Government to indicate whether men and women workers opting for part-time work had the same opportunities for training as full-time workers.

99. The Committee noted the statistical information sent by the Government on trends in the supply of care services for children under 3 years of age, showing that the number of places available almost doubled between 2004 and 2009, covering 34 per cent of needs. The Committee noted, however, that in the framework of the Active Population Survey of 2010, in the responses on reconciling work and family life, 6 of every 10 respondents found services to be very expensive. The Committee requested the Government to provide information on the measures adopted to ensure that child care for children under the age of 3 was accessible to as many workers as possible who needed it, in terms both of costs and places available.

*Convention No. 182*

100. In its observation of 2013, the Committee noted the adoption of the third National Plan to combat the sexual exploitation of children and young persons (2010–2013), which provided for awareness-raising campaigns on the subject of sexual exploitation and sex tourism involving children, the improvement of detection systems and offender reporting systems and the introduction of specific mechanisms to take care of victims. The Committee noted that, in 2013, an anti-trafficking unit had been set up at the Ministry of the Interior and an operational plan against the trafficking of persons for sexual exploitation adopted.

*Other conventions*

101. The most recent reports of the Government on Conventions Nos. 100, 111 and 122 have been received and were examined by the Committee of Experts at its session in November–December 2014.

102. The Government has been requested to submit its reports on Conventions Nos. 87, 98 and 122, which are due for review by the Committee of Experts at its session in November–December 2015.

**Viet Nam**

103. Among the relevant ILO conventions, Viet Nam has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 122, 138, and 182.

**Comments made by the supervisory bodies of the International Labour Organization**

104. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

*Convention No. 29*

105. In its direct request of 2013, the Committee noted that section 119 of the Penal Code prohibited trafficking in persons and that the adoption of the Law on the Prevention and Suppression of Human Trafficking strengthened the definition of trafficking in persons provided for in that section. The Committee noted the information from the Government that, in 2010, 124 cases were prosecuted, involving 207 defendants and, in 2011, 131 cases were prosecuted, involving 237 defendants. The majority of persons sentenced received between 3 and 15 years' imprisonment. Regarding enforcement of the Law on the Prevention and Suppression of Human Trafficking, the Government indicated that the Ministry of Public Security and the Ministry of National Defence had been working closely to strengthen their operations in order to investigate and identify perpetrators of human trafficking. The Ministry of Public Security had developed a plan with regard to investigating trafficking for the purpose of forced labour and it had directed local police forces to carry out activities aimed at combating trafficking in persons, specifically in border areas. The Government also indicated that it had promulgated several decrees and decisions relating to the implementation of the said law regarding victim identification, victim protection and the provision of support services to such victims.

*Convention No. 100*

106. In its observation of 2011, the Committee recalled its previous concerns that the provisions of the Labour Code (sect. 111) and the Law on Gender Equality (sect. 13), which provided for equal remuneration for equal work, were narrower than the Convention, which provided for equal remuneration for men and women for work of equal value. The Committee noted the response of the Government indicating that it had not taken the opportunity of the revision process to include a provision giving full legislative expression to the principle of the Convention, because it considered it to be difficult to define equal value for jobs of a different nature. The Committee urged the Government to take measures to give full legislative expression to the principle of the Convention and encouraged the Government to seek the assistance of ILO in that regard.

107. The Committee recalled its previous comments in which it noted that, in 2006, in the public sector, the average monthly income of women amounted to 92 per cent of that of men, while in the private sector and in the foreign invested sector, it accounted for 75.9 per cent and 65.5 per cent, respectively, of men's income. The Committee also noted the findings of the Viet Nam country gender assessment of 2006, according to which the gender wage gap existing in the country resulted from sex-based labour market segregation owing, inter alia, to "widespread

discrimination against women in recruitment" and the "low value attached to women's work in particular sectors". The Committee noted from the statistics provided by the Government that, during 2007 and 2008, women accounted for 49.3 per cent of the total workforce and represented approximately 50 per cent of workers in most sectors of economic activity. The Government stated that that was evidence that sex-based discrimination in recruitment and employment was not problematic. The Committee once again urged the Government to take appropriate measures to reduce the gender wage gap and address its underlying causes.

108. The Committee noted with interest that training to detect unequal pay for men and women, for judges, labour inspectors and other labour officials had been incorporated into the general programmes of dissemination and education of the Labour Code and that specific training on the Convention was provided in 2008 and 2009 on those in provincial labour departments. The Committee noted the indication by the Government that, of the 799 enterprises inspected between 2007 and 2010, no cases of violations of the principle of equal remuneration for work of equal value had been registered. The Committee asked the Government to continue to provide information on the training offered to judges, inspectors and other labour officials, as well as information on the impact of such training on detecting and addressing unequal pay.

109. In its direct request of 2011, the Committee noted the indication by the Government that, in the context of determining wage scales and tables, the criteria used included knowledge and skill; intelligence; physical strength and intensity of work; responsibility; and the environment and conditions of work. The Committee noted that consultations with social partners were held in order to monitor and examine the setting of wage scales. The Committee further noted that the decree on administrative punishments for labour infringements, adopted on 6 May 2010 (Decree No. 47/2010/ND-CP), sets fines for employers failing to conform to the regulations on setting up salary wages, wage tables and job descriptions (sect. 10). The Committee asked the Government to indicate the measures taken in order to monitor wage determination in the private sector and especially how in practice it ensured that the criteria used were free from gender bias. The Committee also asked the Government to provide information on the consultations held with social partners in order to determine the criteria used to set wage scales and tables in State-owned enterprises and in the private sector.

*Convention No. 111*

110. In its observation of 2011, the Committee welcomed the intention of the Government to include a specific provision concerning sexual harassment in the Labour Code which was in the process of being revised. The Committee noted, however, that section 9 (2) of the draft labour code prohibiting "sexual harassment against employees" did not provide a definition of sexual harassment and did not indicate whether both quid pro quo and hostile environment sexual harassment were covered. The Committee asked the Government to provide information on the adoption of section 9 of the draft labour code, prohibiting sexual harassment, and encouraged the Government to take steps to include a clear definition and prohibition of both quid pro quo and hostile environment sexual harassment in employment and occupation.

111. The Committee recalled its previous comments, in which it noted that the labour laws and regulations were revised on a yearly basis, including the list of

occupations from which women were barred. The Committee noted that the Government had provided a list of draft revisions to be brought to circular No. 3/TT-LB of 28 January 1994, setting out the harmful and dangerous jobs from which women are barred and that, while removing some occupations, the list also added four new occupations from which all women workers would be barred (operation of cement-packing machines, cleaning cylinders in a cement factory, operation of the production and bottling of hydrochloric acid and operation of equipment for drying, liquefying and bottling). The Committee noted the indication by the Government that the circular needed to be revised to prohibit the employment of women in jobs which would adversely affect female workers more than male workers, as would be the case when a female worker was pregnant or feeding a small child and where harmful or dangerous factors might adversely affect the child. The Government also indicated that the possible use of the general criteria of a job "not suitable to the mental and psychological setting of female workers" was being studied and clarified. The Committee asked the Government to take measures to ensure that, in revising circular No. 3/TT/LB of 28 January 1994, it was made clear that restrictions were limited to women who were pregnant or nursing. The Committee also asked the Government to ensure that, in the revision of the Labour Code, any protective measures for women were limited to maternity protection.

112. The Committee noted the discriminatory practices affecting women in recruitment, such as giving preference to male job applicants and discouraging female applicants by establishing requirements prohibiting marriage and pregnancy during a certain period following recruitment. The Committee noted the indication by the Government that measures had been taken to put an end to discriminatory practices affecting women in recruitment and employment, such as the inclusion of section 32 in the draft of the revised labour code prohibiting employers from forcing "the worker to comply with such obligations which limit his/her legitimate rights" when an employment contract was being concluded. The Committee also noted that Decree No. 55/2009/ND-CP of 10 June 2009, regulating administrative sanctions on violations of gender equality, set out in section 8 (2)(a) a fine of 5,000,000 to 10,000,000 Vietnamese dong for employers who "refuse or limit the employment of male or female due to gender reasons, except such that support gender equality, dismiss an employee for gender reasons or pregnancy, maternity leave or having children". The Committee asked the Government to provide information on the progress of the adoption of section 32 of the draft labour code and on the practical application of section 8 (2)(a) of Decree No. 55/2009/ND-CP of 10 June 2009, and to take measures to monitor their application and effectively eliminate discriminatory recruitment practices affecting women.

113. In its direct request of 2011, the Committee noted that the Government was continuing to promote better access for women to jobs in "light industries", including the textile, footwear and traditional handicrafts industries. The Committee also noted that the Government had launched a programme on assisting women in vocational training and employment placement for the period 2010–2015. The Committee noted that measures had been taken in cooperation with the Viet Nam Women's Union to promote equality of opportunity and treatment between men and women, including offering low-interest loans, exemptions or deductions on education fees for female students from lower-income families and vocational training courses, and organizing job fairs.

114. Regarding the preferential policies adopted by the Government to enable women to migrate overseas for higher-income employment, the Committee noted the statistics provided by the Government which indicated that, between 2000 and

2010, of the 687,792 Vietnamese working overseas, 32.6 per cent were women. The Committee asked the Government to provide information on the types of occupations undertaken by women and men working overseas and the impact of the preferential policies to enable women to migrate overseas for higher income employment, as well as on the application of sections 13 and 14 of the Law on Gender Equality.

*Convention No. 182*

115. In its observation of 2013, the Committee noted that a programme of action to combat prostitution for the period 2011–2015 had been approved by the Government in Decision No. 679/QD-TTg of 10 May 2011. The Committee noted the detailed information from the Government pertaining to the implementation of the programme. In that regard, the Government indicated that, between 2006 and 2011, the police had conducted 182,656 inspections of various service-providing establishments and discovered 68,249 establishments that were violating the provisions relating to prostitution: 12,563 warnings had been issued, and 37,130 financial sanctions, amounting to 103 billion Vietnamese dong, had been imposed. In addition, the police had traced and raised 6,109 prostitution cases against 19,443 persons, including 4,113 pimps and brokers, 9,067 prostitutes and 6,263 clients. The Government also indicated that the People's Procurators had prosecuted a total of 3,455 cases of crimes related to prostitution against 4,585 persons, including 114 cases against defendants who had been accused of buying juvenile sex.

116. The Committee noted that, in its concluding observations of 22 August 2012, the Committee on the Rights of the Child had expressed its concern about the rise in child prostitution, the rise in the number of cases of child trafficking including, inter alia, for prostitution purposes, and the increasing number of children involved in commercial sexual activity, mainly due to poverty-related reasons (CRC/C/VNM/CO/3-4, para. 71). The Committee therefore urged the Government to intensify its efforts within the framework of the programme of action to combat prostitution to strengthen the capacity of the authorities to combat the commercial sexual exploitation of children under 18 years of age and to take the necessary measures to ensure that child victims of commercial sexual exploitation were treated as victims rather than as offenders. In that regard, the Committee also requested the Government to take effective and time-bound measures to remove children under 18 years of age from prostitution and provide them with the appropriate assistance to ensure their social integration through education, vocational training or jobs, and to provide information on the results achieved.

*Other conventions*

117. The most recent report of the Government on Convention No. 45 has been received and was examined by the Committee of Experts at its session in November–December 2014.

118. New reports on Conventions Nos. 100, 111 and 122 (first report) have been received and will be examined by the Committee of Experts at its session in November–December 2015.

119. The Government has been requested to submit its report on Convention No. 122, which is due for review by the Committee of Experts at its session in November–December 2015.